

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 ANNE HUNTER, State Bar No. 136982  
Deputy Attorney General  
4 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
5 Telephone: (213) 897-2114  
Facsimile: (213) 897-2804

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-20

13 JAYNILOU CARATIQUIT DELAPAZ AKA  
JAYNILOU CARATIQUIT RAMOS  
453 Los Gatos Drive  
Walnut, CA 91789  
14 Registered Nurse License No. 571490

**A C C U S A T I O N**

15 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
22 Department of Consumer Affairs (Board).

23 2. On or about September 7, 2000, the Board of Registered Nursing issued  
24 Registered Nurse License Number 571490 to Jaynilou Caratiquit DeLaPaz aka Jaynilou  
25 Caratiquit Ramos (Respondent). The Registered Nurse License was in full force and effect at all  
26 times relevant to the charges brought herein and will expire on February 29, 2010, unless  
27 renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code provides in pertinent part:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

“(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

“ . . . .

“(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

7. California Code of Regulations, title 16, section 1442, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary

1 precaution in a single situation which the nurse knew, or should have known, could have  
2 jeopardized the client's health or life."

3 8. California Code of Regulations, title 16, section 1444, states:

4 "A conviction or act shall be considered to be substantially related to the  
5 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the  
6 present or potential unfitness of a registered nurse to practice in a manner consistent with the  
7 public health, safety, or welfare. Such convictions or acts shall include but not be limited to the  
8 following:

9 "(a) Assaultive or abusive conduct including, but not limited to, those violations  
10 listed in subdivision (d) of Penal Code Section 11160.

11 "(b) Failure to comply with any mandatory reporting requirements.

12 "(c) Theft, dishonesty, fraud, or deceit.

13 "(d) Any conviction or act subject to an order of registration pursuant to Section  
14 290 of the Penal Code."

15 9. California Code of Regulations, title 16, section 1443, states:

16 "As used in Section 2761 of the code, 'incompetence' means the lack of possession  
17 of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed  
18 and exercised by a competent registered nurse as described in Section 1443.5."

19 10. California Code of Regulations, title 16, section 1443.5 states:

20 "A registered nurse shall be considered to be competent when he/she consistently  
21 demonstrates the ability to transfer scientific knowledge from social, biological and physical  
22 sciences in applying the nursing process, as follows:

23 "(1) Formulates a nursing diagnosis through observation of the client's physical  
24 condition and behavior, and through interpretation of information obtained from the client and  
25 others, including the health team.

26 "(2) Formulates a care plan, in collaboration with the client, which ensures that  
27 direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and  
28 protection, and for disease prevention and restorative measures.

1           "(3) Performs skills essential to the kind of nursing action to be taken, explains  
2 the health treatment to the client and family and teaches the client and family how to care for the  
3 client's health needs.

4           "(4) Delegates tasks to subordinates based on the legal scopes of practice of the  
5 subordinates and on the preparation and capability needed in the tasks to be delegated, and  
6 effectively supervises nursing care being given by subordinates.

7           "(5) Evaluates the effectiveness of the care plan through observation of the  
8 client's physical condition and behavior, signs and symptoms of illness, and reactions to  
9 treatment and through communication with the client and health team members, and modifies the  
10 plan as needed.

11           "(6) Acts as the client's advocate, as circumstances require, by initiating action to  
12 improve health care or to change decisions or activities which are against the interests or wishes  
13 of the client, and by giving the client the opportunity to make informed decisions about health  
14 care before it is provided."

15           11.     Section 118, subdivision (b), of the Code provides that the suspension,  
16 expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to  
17 proceed with a disciplinary action during the period within which the license may be renewed,  
18 restored, reissued or reinstated.

19           12.     Section 125.3 of the Code provides, in pertinent part, that the Board may  
20 request the administrative law judge to direct a licentiate found to have committed a violation or  
21 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
22 and enforcement of the case.

### 23                           **FACTUAL ALLEGATIONS**

#### 24                           **Patient No. 15**

25           13.     Respondent began working part-time as a registered nurse for Wescove  
26 Home Health Services (Wescove) on or about September 1, 2003. Her duties included making  
27 in-home visits to assess the patient's home health care needs. Wescove's patient records indicate  
28 Patient No. 15 was referred for home health care on September 6, 2003. The physician order was

1 incomplete in that it gave no specific instructions regarding the patient's care. The patient's  
2 medication profile was incomplete. According to Wescove's records, respondent visited Patient  
3 No. 15 once on September 7, 2003, and the patient signed the comprehensive nursing assessment  
4 form on that date. Respondent failed to verify the physician's name and address or medication  
5 orders with the patient or with Wescove's administrative staff. Respondent failed to sign the  
6 patient's comprehensive nursing assessment form. Respondent failed to verify with the patient's  
7 physician that the medication order for 25 mg of Vioxx three times daily listed on the patient's  
8 medication profile was correct. Respondent admitted she started the case and did not know who  
9 provided the follow-up services.

#### 10 Patient No. 17

11 14. Wescove's clinical records indicate Patient No. 17, a 79 year old male  
12 whose chief complaint was uncontrolled Diabetes Type II, started receiving care on September  
13 23, 2003. The verbal start of care orders for the plan of care were not signed and dated by the  
14 registered nurse. The physician order for insulin was inconsistent and incomplete. Respondent  
15 failed to verify the insulin orders for blood sugars over 401 and failed to verify when to notify the  
16 physician about out-of-range blood sugar readings.

#### 17 FIRST CAUSE FOR DISCIPLINE

##### 18 **(Unprofessional Conduct: Patient No. 15)**

19 15. Respondent is subject to disciplinary action under Code section 2761,  
20 subdivision (a), for her unprofessional conduct in the care and treatment she provided Patient No.

21 15. The circumstances are as follows:

22 A. The matters alleged in paragraph 13 above are realleged and incorporated  
23 herein by reference as though fully set forth.

24 B. Respondent acted unprofessionally in not verifying the referring  
25 physician's name or address with the patient or the administrative staff.

26 C. Respondent acted unprofessionally in not signing the comprehensive  
27 nursing assessment of Patient No. 15.

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**PRAYER**


WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 571490, issued to Jaynilou Caratiquit DeLaPaz aka Jaynilou Caratiquit Ramos Jaynilou Caratiquit DeLa Paz.

2. Ordering Jaynilou Caratiquit DeLa Paz to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: 7/24/88

  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

Complainant

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